

## REMARKS

Claims 1, 3-7 and 9-22 remain pending in the present application. Claims 2 and 8 have been canceled. Claims 1, 7 and 10 have been amended. Claims 13-22 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

### REJECTION UNDER 35 U.S.C. § 102

Claims 1-3, 5-9, 11 and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Newton. Applicants respectfully traverse this rejection.

Claims 1 and 7 have been amended to include the limitations of Claim 2 as well as the limitation that the nozzle of the ejector further decompresses the gas-liquid two-phase mixture in iso-enthalpy from the variable throttle.

Newton does not disclose a variable throttle that is separated from a nozzle. If a variable throttle 104 (correctly a conical head of a throttle of a nozzle indicated by 25' 28') of Newton is made correspond to the variable throttle of Claims 1 and 7, Newton does not disclose a nozzle (for decompressing and expanding refrigerant of an ejector) of Claims 1 and 7. Therefore, Newton cannot further expand the refrigerant of a gas-liquid two-phase state that is previously decompressed by the variable throttle. Newton cannot improve the efficiency of the ejector and the nozzle in a wide load variation area of the ejector cycle as described on page 3 of the specification, in lines 16-19.

Thus, Applicants believe Claims 1 and 7, as amended, patentably distinguish over the art of record. Likewise, Claims 3, 5, 6, 8, 9, 11 and 12, which ultimately depend from Claims 1 or 7, are also believed to patentably distinguish over the art of

record. Claims 2 and 8 have been cancelled. Reconsideration of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 4 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Newton in view of either Gregory or Okazaki, et al. Applicants respectfully traverse this rejection. Claims 4 and 10 ultimately depend from Claims 1 and 7 respectively. As stated above, Claims 1 and 7 have been amended and are now believed to patentably distinguish over the art of record. Thus, Claim 4 and 10 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### **NEW CLAIMS**

New Claims 13-20 are dependent claims that Applicants believe further properly limit either Claim 1 or Claim 7 and are thus believed to be allowable.

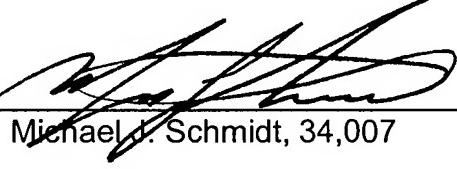
New Claims 21 and 22 are independent claims similar to original Claims 1 and 7 but which define the variable throttle as being upstream of the fixed throttle.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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